

## REMARKS ARGUMENT

Claims 1 and three have been amended. Claims 24, 25, and 26 have been added. Claims 2, 4, 6, 7, 8 and 15 have been canceled. Claims 1, 3, 5, 9 through 14, and 16 through 26 remain in the application. Re-examination and reconsideration of the application as amended are requested.

The examiner has objected to claims 1, 3 through 5 and 8 through 23 because of the following informalities. The examiner states that claim 1 and 3 site the word "inferred" that should be "infrared". Applicant has changed the words in claims 1 and 3 from "inferred" to "infrared". Applicant believes he has overcome this objection.

The examiner has rejected claims 1, 3 through 5, 8 and 9 under 35USC103 as being unpatentable over Hodges in view of Malten. The examiner states that Hodges discloses a trim heater to heat a seat trim comprising of a base and a frame attached to the top of the base and adapted such that the seat trim can be stretched tightly over the frame. Applicant transverses this statement. Applicant does not believe that the seat trim could be stretched tightly over the device of Hodges. Hodges device is not

designed like a seat; therefore, it could not be stretched tightly. This is especially true about the top of the seat. Seats are more U shaped at the top not triangular as it would have to be stretched over Hodges. However, applicant has amended claim 1 and claim 1 now clearly is patentable over Hodges in view of Malten.

Applicant has amended claim 1. Claim 1 in Element B now states "an open frame made out of smoothly curved tubing that allows air and infrared heat to pass through attached to the top of the base and said frame is approximately the shape of a seat that the seat trim will cover and said frame is adapted such that the seat trim can be stretched tightly over the frame. The words "made out of a smoothly curved tubing" and "said frame is approximately the shape of a seat that the seat trim will cover and said frame" have been added to Element B. Basis for this is found in the specifications on page 4, lines 17 through 21 and figures 1 and 2. Hodges clearly does not show a frame made out of smoothly curved tubing or a frame that is approximately the shape of a seat that the seat trim will cover. The Malten patent discloses an infrared lamp having a guard and a reflector but does not show any frame at all. Thus, claim 1 with the amendments to paragraph B is clearly patentable over Hodges in view of Malten.

Applicant has also amended element C of claim 1. Applicant has added the words "and said heater directs heat towards the top, sides, front and back of the seat trim". Basis for this is found in the specifications on page 6, lines 2 through 7. The Hodges patent, even when it is combined with Malten, only shows a heating unit that would direct the heat towards the side of the seat trim not towards the top. Thus, for the reasons stated above claim 1 is clearly patentable over Hodges in view of Malten.

Claim 3 has been amended. Claim 3 is now dependent upon claim 5 rather than claim 4. Also the words "and said infrared lamps and reflectors are located such that they would direct the infrared heat towards the top of the seat trim and outward toward the sides and front and back of the seat trim" have been added. Basis for this is found in the specifications on page 6, lines 2 through 7. As I pointed out above, the combination of Hodges and Malten does not show a heater that directs its heat upward towards the top of the seat trim. Also claim 3 is dependent upon claim 5 which is dependent upon claim 1 and the same argument that would apply to claim 1 would also apply to claim 5 making claim 5 patentable over Hodges in view of Malten.

Claim 4 has been cancelled. Claim 5 is dependent upon claim 1 and as stated above the same argument that applies to claim 1 would also then

apply to claim 5 making claim 5 patentable over Hodges in view of Malten.

Claim 8 have been canceled. Claim 9 is dependent upon claim 3 which as I pointed out above is patentable over Hodges in view of Malten; thus, claim 9 would be patentable over Hodges in view of Malten.

The examiner rejects claims 10, 13 and 14 under 35USC103 as being unpatentable over Hodges in view of Malten. The examiner states that Hodges shows a stand that is called for in claims 10, 13 and 14. Applicant states that claims 10, 13 and 14 are ultimately dependent upon claim 1. And as applicant pointed out in claim 1 Hodges and Malten do not show a frame that is made out of smooth, curved tubing that is in approximately the shape of a seat for which the seat trim will cover. Thus, claims 10, 13 and 14 are clearly patentable over Hodges in view of Malten.

The examiner goes on to state that claims 16 through 19 teaches a heat controlled thermostat and that Hodges shows this heat controlled thermostat. Applicant would point out that claims 16 through 19 are also ultimately dependent upon claim 1. Thus the same argument that applies to claim 1 would also apply to claims 16 through 19.

The Examiner has stated that claims 12, 15 and 20 through 23 would be allowable if rewritten in indepcndcnt form including all of the limitations of the base claim and any intervening claims. Applicant has canceled claim

15. Claims 12, 20 through 23 are ultimately dependant on claim 1.

Applicant has amended claim 1 and now claim 1 is patentable over Hodges, Malten, and Oberdorf taken singularly or in combination because none of these patents show a frame made out of smoothly curved tubing or a frame that is approximately the shape of a seat that the seat trim will cover. Thus claims 12 and 20 through 23 are patentable over patents to Hodges, Malten, and Oberdorf taken in combination or separately.

Applicant has added new claim 24 which is an independent claim form of claim 21 of the previous application. As I stated above, the examiner has stated that claim 21 if written in independent form would be allowable. Thus, claim 24 is clearly patentable. Applicant has also added new claims 25 and 26. These claims are a reinstatement of claims 22 and 23 of the previous applicant, however, they are dependent upon new claim 24 which is an independent form of claim 21 of the previous application. As I pointed out above the examiner has stated that claim 21 is allowable so claims 24 and 25 are also allowable.

In view of the above, it is submitted that the claims are now in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance of claims 1, 3, 5 9 through 14, and 16 through 26 at

an early date is solicited.

Respectfully submitted,



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